

REVISED FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 46-430, Title

Specific Purpose:

This section is necessary to make a grammatical correction in the title.

Factual Basis:

A comma is missing after the word "care". Inclusion of this comma is necessary to clarify that care and maintenance are two separate elements of the Assistance Dog Special Allowance (ADSA) program.

New Section 46-430.1(c)(1)

Specific Purpose:

The specific purpose of this section is to define the phrase "Cash Assistance Program for Immigrants" (CAPI).

Factual Basis:

The phrase "Cash Assistance Program for Immigrants" (CAPI) does not exist in regulations relating to the ADSA program. The phrase is defined in the CAPI regulations, just not in the ADSA regulations.

Section 46-430.1(e)(1)

Specific Purpose:

The specific purpose is to include recipients of CAPI benefits as "eligible recipients" of the ADSA program. Technical and grammatical corrections are also being made for clarity.

Factual Basis:

Pursuant to the provisions of Welfare and Institutions Code section 12500(b), as added by Chapter 111 of the Statutes of 2001, ADSA benefits are available to CAPI recipients.

Section 46-430.1(i)(1)

Specific Purpose:

The specific purpose is to amend this section to define the term "In Home Supportive Services (IHSS)".

Factual Basis:

Only defining the acronym "IHSS" and not the term "In Home Supportive Services" creates a clarity problem. This section now correctly defines the term "In Home Supportive Services". Technical corrections referencing Section 12300 of the Welfare and Institutions Code and Manual of Policy and Procedures (MPP) Section 30-700.1 have been incorporated to ensure clarity.

Section 46-430.1(i)(2)

Specific Purpose:

The specific purpose is to ensure that the definition of the term "Income" is consistent with the definition of "Income" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Factual Basis:

A clarity problem exists due to the lack of a cross-reference to "income" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L. This section now ensures clarity by including the cross-reference to the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Section 46-430.1(r)(1)

Specific Purpose:

The specific purpose is to ensure that the definition of the term "Resources" is consistent with the definition of "Resources" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Factual Basis:

A clarity problem exists due to the lack of a cross-reference to "Resources" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L. This section now ensures clarity by including the cross-reference to the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Section 46-430.1(s)(1)

Specific Purpose:

The specific purpose is to insert the word "the" before the phrase "California Department of Social Services".

Factual Basis:

Inclusion of the word "the" before the phrase "California Department of Social Services" is a stylistic change.

Section 46-430.1(s)(5)

Specific Purpose:

The specific purpose is to define the phrase "Social Security Disability Insurance."

Factual Basis:

Defining the acronym "SSDI" and not the phrase "Social Security Disability Insurance" creates a clarity problem. This section now correctly defines the phrase "Social Security Disability Insurance." Technical corrections clarify the applicability of the "Social Security Disability Insurance" program under Title II of the Federal Social Security Act (42 U.S.C. Section 401, et seq.).

Section 46-430.1(s)(6)

Specific Purpose:

The specific purpose is to define the phrase "Supplemental Security Income."

Factual Basis:

Defining the acronym "SSI" and not the phrase "Supplemental Security Income" creates a clarity problem. This section now correctly defines the phrase "Supplemental Security Income." Technical corrections clarify the applicability of "Supplemental Security Income" under Title XVI of the Federal Social Security Act (42 U.S.C. Section 1381, et seq.).

Section 46-430.1(s)(7)

Specific Purpose:

The specific purpose is to define the phrase "State Supplementary Program."

Factual Basis:

Defining the acronym "SSP" and not the phrase "State Supplementary Program" creates a clarity problem. This section now correctly defines the phrase "State Supplementary Program." Technical corrections clarify the applicability of the "State Supplementary Program" under Division 9, Part 3, Chapter 3 of the Welfare and Institutions Code (commencing with Section 12000).

Section 46-430.24

Specific Purpose:

The specific purpose is to 1) include CAPI as one of the five program sources of categorical eligibility for the ADSA allowance and 2) to make a conforming technical change to delete the previous reference to four programs.

Factual Basis:

See the factual basis for Section 46-430.1(e)(1).

New Section 46-430.241

New Section 46-430.241 was inserted in existing language for organizational reasons.

Section 46-430.31

Specific Purpose:

The specific purpose is to amend the Assistance Dog Special Allowance (ADSA) Application form (ADSA 1, 6/01) to 1) include a "CAPI" box that an applicant, when completing the form, will check if they are receiving CAPI; 2) to include the question "What service does the dog provide?"; and 3) to update the revision date on the ADSA 1 form from 9/98 to 6/01.

Factual Basis:

The ADSA 1 was revised on 6/01 to incorporate the following changes:

Re: The addition of the "☐ CAPI (Cash Assistance Program for Immigrants)" box. This box, for an applicant to check if they are receiving CAPI, was needed to conform to Departmental policy and to ensure compliance with the provisions of Welfare and Institutions Code Section 12500(b), which establishes ADSA eligibility for CAPI recipients who meet other specified criteria. See the factual basis for Section 46-430.1(e)(1).

Re: The new question "What service does the dog provide?". Welfare and Institutions Code Sections 12553(a) and 12554(c) establish the basic provisions of the ADSA program for payment to an eligible recipient who has a guide dog, signal dog, or other service dog. This question was needed to determine the type of services provided by the applicant's dog and to ensure that the services provided comply with the provisions of Welfare and Institutions Code Sections 12553(a) and 12554(c).

The revision date on the ADSA 1 form has been amended from 9/98 to 6/01, the date the ADSA 1 form was revised to incorporate the changes listed above.

Section 46-430.32

Specific Purpose:

The specific purpose is to amend the Assistance Dog Special Allowance (ADSA) Application For Social Security Disability Insurance (SSDI) Recipients form (ADSA 1B, 6/01) to: 1) amend a question on the 5/2000 version of the form that asked for "Dependents residing in household (other than spouse)" to now read "Residents residing in household (other than spouse)"; 2) to ask two new questions about the person or school that trained the dog, i.e.: "What person or school trained the dog?" and "Their area code and phone number is:"; 3) to ask the new question "What service does the dog provide?"; and 4) to update the revision date on the ADSA 1B form from 5/2000 to 6/01.

Factual Basis:

The ADSA 1B form was revised on 6/01 to include the following changes:

Re: The revised question "Residents residing in household (other than spouse)". An applicant's income is determined in accordance with the provisions of Welfare and Institutions Code Section 12554(e). Revising this question from "Dependents residing in household (other than spouse)" to read "Residents residing in household (other than spouse)" ensures that all relevant, applicable, accountable sources of income are captured and that an accurate determination can be made of an applicant's income in accordance with the provisions of Welfare and Institutions Code Section 12554(e).

Re: The new questions: "What person or school trained the dog?" and "Their area code and phone number is" [of the person or school that trained the dog], are already on the ADSA 1, 6/01 and ADSA, 1A, 4/01 forms. Adding these two questions to the ADSA 1B, 6/01 ensures that all three forms are consistent.

Re: The question: "What service does the dog provide" question. See the Factual Basis for Section 46-430.31.

The revision date on the ADSA 1B form has been amended from 5/2000 to 6/01, the date the ADSA 1B form was revised to incorporate the changes listed above.

Section 46-430.34

Specific Purpose:

The specific purpose is to delete the word “the” before the acronym CDSS.

Factual Basis:

Deletion of the word "the" before the acronym CDSS is a stylistic change.

Section 46-430.41

Specific Purpose:

The specific purpose is to specify that the monthly allowance for all ADSA recipients is \$50.

Factual Basis:

Senate Bill 1190 (Chapter 452, Statutes of 2001) increased the monthly allowance for SSDI recipients from \$35 to \$50. This amendment implements the provisions of SB 1190.

Also see the factual basis for Section 46-430.1(e)(1).

Section 46-430.42

Specific Purpose:

The specific purpose is to repeal Section 46-430.42 and reserve this space.

Factual Basis:

The monthly allowance for SSDI recipients previously specified in Section 46-430.42 is now specified in Section 46-430.41. Section 46-430.42 is no longer necessary.

Section 46-430.52

Specific Purpose:

The specific purpose is to amend the Assistance Dog Special Allowance (ADSA) Renewal Application form (ADSA 1A, 4/01) to: 1) include a "☐ CAPI" box that an applicant, when completing the form, will check if they are receiving CAPI; 2) to include a "☐ Social Security Disability Insurance (attach a copy of your current SSDI Certificate of Award)" box for applicants to check indicating they are receiving SSDI; and 3) to update the revision date on the ADSA 1A form from 10/98 to 4/01.

Factual Basis:

See the factual basis for Section 46-430.1(e)(1).

Re: The "☐ CAPI" box: ADSA eligibility for a CAPI recipient is determined in accordance with the provisions of Welfare and Institutions Code Section 12500(b). Revising this form to add the "☐ CAPI" box was needed to conform to Departmental policy and to document that the applicant is receiving CAPI, a necessary requirement in accordance with the provisions of Welfare and Institutions Code Section 12500(b).

Re: The "☐ Social Security Disability Insurance (attach a copy of your current SSDI Certificate of Award)" box: The 10/98 version of this form had no mechanism for capturing this information. Adding this SSDI box for applicants to check and, if checked, to attach a copy of the current SSDI Certificate of Award establishes that 1) the ADSA recipient receives SSDI and 2) verifies the income of the SSDI recipient pursuant to Welfare and Institutions Code Section 12554(e). Welfare and Institutions Code Section 12554(c) requires the SSDI recipient to provide a "Proof of Income Statement" from the federal Social Security Administration to receive ADSA benefits.

The revision date on the ADSA 1A form has been amended from 10/98 to 6/01, the date the ADSA 1A form was revised to incorporate the changes listed above.

Section 46-430.531

Specific Purpose:

The specific purpose is to include CAPI recipients on the list of all recipients required to notify the Department if they cease to be eligible for ADSA program benefits specified in Section 46-430.24.

Factual Basis:

See the factual basis for Section 46-430.1(e)(1).

b) Identification of Documents Upon Which Department Is Relying

Senate Bill 1190 (Chapter 452, Statutes of 2001)

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations that require reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the

purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #2 at the public hearings held on December 17 and 18, 2002.

No oral or written testimony was presented at either of the public hearings.